

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SHERRY LEVANTSEYVCH,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION FILE NO.
)	1:23-CV-_____
LIVE NATION WORLDWIDE, INC,)	
DEFENDANT JOHN DOE, &)	
ABC CORP)	
)	
Defendant.)	

NOTICE OF REMOVAL

COMES NOW Defendant **Live Nation Worldwide, Inc.** (hereinafter “Live Nation” or “Defendant”), and within the time prescribed by law, hereby files this Notice of Removal and hereby removes Case No. 23102114 (the “Superior Court Action”) from the Superior Court of Cobb County, State of Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division, pursuant to 28 U.S.C. § 1332, 28 U.S.C. § 1441, and 28 U.S.C. § 1446, and specifically shows this Court as follows:

This Court has original subject matter jurisdiction over this civil action pursuant to 28 U.S.C. § 1332(a) because there is complete diversity among the

parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs. Under 28 U.S.C. § 1441(b), no party properly joined and served as a defendant in this action is a citizen of Georgia, the state in which this action was filed. As grounds for this removal, Defendant states as follows:

I. INTRODUCTION

1. On March 16, 2023, Plaintiff filed her Complaint against Defendant Live Nation in the Superior Court of Cobb County, Georgia (the “Superior Court Action”), which is within the Atlanta Division of this Court. A copy of Plaintiff’s *Complaint for Damages*, and all exhibits thereto, along with the *Summons*, *General Civil and Domestic Relations Case Filing Information Form*, and *Disclosure Statement*, is attached hereto as Exhibit 1.

2. Defendant was served on April 6, 2023. A copy of the *Affidavit of Service* is attached hereto as Exhibit 2.

3. Defendant filed its *Answer and Affirmative Defenses of Defendant Live Nation Worldwide, Inc.* (“Answer”) in the Superior Court of Cobb County on May 3, 2023. A copy of the *Answer* is attached hereto as Exhibit 3. *Live Nation Worldwide, Inc.’s Demand for Jury Trial* was filed that same date, a copy of which is attached hereto as Exhibit 4.

II. REMOVAL IS PROPER BECAUSE THE COURT HAS ORIGINAL SUBJECT MATTER JURISDICTION PURSUANT TO 28 U.S.C. § 1332(a).

4. This Court has original subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a) because this is a civil action between citizens of different states in which the amount in controversy exceeds \$75,000, exclusive of interest and costs.

A. The Amount in Controversy Requirement Is Satisfied.

5. This lawsuit arises out of an alleged slip and fall incident that is said to have occurred on December 20, 2019, in which Plaintiff alleges she sustained personal injuries.

6. Plaintiff's Complaint asserts claims against Defendant Live Nation for Premises Liability, Vicarious Liability, and Negligent Training & Supervision. (Exhibit 1, Counts 1, 2 and 3). She has also asserted a claim of negligence against Defendant John Doe, and a claim of vicarious liability against Defendant ABC Corp. (Exhibit 1, Counts 4 and 5). Plaintiff alleges that she incurred medical bills in excess of \$82,251.53. (Exhibit 1, ¶ 15). Plaintiff seeks to recover the full value of past and future medical expenses and past and future lost wages, as well as damages for mental and physical pain and suffering and emotional distress. (Exhibit 1, ¶ 33).

7. Based upon the allegations of the Complaint, the purported damages alleged, and the other damages Plaintiff is seeking to recover in this lawsuit, the amount in controversy exceeds \$75,000.00, exclusive of interests and costs. As such, the amount in controversy requirement under 28 U.S.C. § 1332(a) is satisfied.

B. Complete Diversity of Citizenship Exists Between Plaintiff and Defendant.

8. There is complete diversity between Plaintiff and Defendant.

9. Upon information and belief, as well the allegations pled in Paragraph 1 of Plaintiff's Complaint, Plaintiff is a resident of the State of Michigan and was a resident of the State of Michigan on the date of the filing of the Superior Court Action.

10. Defendant Live Nation is a Foreign Profit Corporation organized under the laws of the State of Delaware, with its principal place of business located in California. Accordingly, State Farm is a citizen of the State of California for diversity jurisdiction purposes.

11. Because Plaintiff and Defendant were citizens of different states when the Complaint was filed, and Live Nation is incorporated and has a principal place of business outside of the State of Georgia, complete diversity exists between Plaintiff and Defendant in accordance with 28 U.S.C. § 1332(a)(1).

III. PROCEDURAL REQUIREMENTS FOR REMOVAL

12. In accordance with 28 U.S.C. § 1446(a), true and accurate copies of all process and pleadings served upon Defendant, as well as any other State Court filings in this matter, have been attached to this Notice of Removal as Exhibits 1 through 4.

13. Written notice of this Notice of Removal will be promptly given to all parties in this action. Concurrently with the filing of this Notice of Removal, Defendant is filing a written notice with the Clerk of the Superior Court of Cobb County, a true and correct copy of the *Notice of Filing Notice of Removal to Federal Court* is attached hereto as Exhibit 5.

14. Defendant has complied with all the provisions of 28 U.S.C. § 1446 governing the procedure for removal. By virtue of 28 U.S.C. § 1441 and 28 U.S.C. § 1332, and based upon the allegations in Plaintiff's Complaint, the United States District Court for the Northern District of Georgia, Atlanta Division, has original jurisdiction over this matter.

15. Defendant reserves the right to amend or supplement this Notice of Removal or to present additional arguments in support of its entitlement to remove this case.

WHEREFORE, Defendant respectfully requests this Court assume full jurisdiction over this case as provided by law, and that further proceedings in the Superior Court of Cobb County, State of Georgia be stayed. Defendant further demands that the trial of this matter in federal court be heard by a jury.

Respectfully submitted this 4th day of May, 2023.

**SWIFT, CURRIE, McGHEE &
HIERS, LLP**

/s/ Jennifer L. Nichols

MAREN R. CAVE

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CERTIFICATE OF COMPLIANCE

I hereby certify that this pleading was prepared in Times New Roman font, 14 point, and complies with Local Rules 5.1(C) and 7.1(D) of the Northern District of Georgia.

This 4th day of May, 2023.

**SWIFT, CURRIE, McGHEE &
HIERS, LLP**

/s/ Jennifer L. Nichols

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CETIFICATE OF SERVICE

I hereby certify that I have this day electronically transmitted *Notice of Removal* to the Clerk's Office using the CM/ECF System for filing and service, which will automatically send notification of such filing to the following attorneys of record and CM/ECF registrants:

Sean R. Campbell
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Attorney for Plaintiff

This 4th day of May, 2023.

**SWIFT, CURRIE, McGHEE &
HIERS, LLP**

/s/ Jennifer L. Nichols
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